



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,140	04/19/2006	Melvin Stacy	PIL-030747US(3) PET-1005U	8470
64065 7590 11/28/2007 CAMERON INTERNATIONAL CORPORATION P.O. BOX 1212 HOUSTON, TX 77251-1212			EXAMINER LITHGOW, THOMAS M	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,140	<b>Applicant(s)</b> STACY ET AL.	
	<b>Examiner</b> Thomas M. Lithgow	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

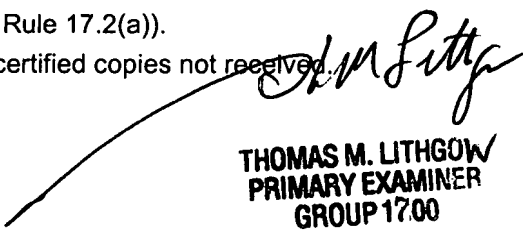
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

  
**THOMAS M. LITHGOW**  
**PRIMARY EXAMINER**  
**GROUP 1700**

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 and 10-12 of U.S. Patent No. 6955763. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instantly recited controller for regulating the height is specifically recited in claim 3 of

US 6955763 as level transmitter and a level control valve. As the instant claims are fully encompassed by the claim language of US 6955763 the instant claims are properly rejected as "anticipated" thereby.

3. Claims 9-18 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-9 and 13-15 of U.S. Patent No. 6955763 in view of either one of Cairo (US 4564457) or Canzoneri (US 4782789). The claims of US 6955763 recite all the instantly recited limitations save for the "intermittently raising the liquid level etc." {step e) of claim 9}. This feature is known in the oil flotation industry and taught by either of Cairo '457 [see col. 5, lines 25+] or Canzoneri '789 [col. 6, lines 16+].

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by either one of Cairo (US 4564457) or Canzoneri (US

4782789). Cairo '457 discloses a multiple chamber flotation tank having partitions 19, 21, 23 etc. dividing the tank into the recited chambers. There are at least two chambers/cells that include a mechanism 35 for ingesting and mixing gas and a skim trough 70 that extends partially along the top of the partitions. The liquid density controls 74 and 75 are in fact level controls based on the density of the accumulated material. Any wave action or pitching/rolling will cause the liquid in the tank to "slosh" and will be measured on the liquid level controls 74 and 75. The partitions (19, 21, etc.) will act to dampen the motion of the liquid if subjected to movement of the entire tank.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-7 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canzoneri '789 in view of Blazejczak (US 4990246- hereafter called Blaz '246). Canzoneri '789 fails to disclose an independent

skim collection channel in the inlet channel as recited in claims 6 and 17.

Blaz '246 discloses such a feature (see fig. 7-8). This helps reduce non-emulsified oil which can be easily removed from water by a simple gravity separation step. To add such a desirable feature to Canzoneri '789 would have been obvious to one of ordinary skill in the art.

8. Claims 6-7 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cairo '457 further in view of Blazejczak '246 and Canzoneri '789. Cairo '457 fails to disclose an independent skim channel in the inlet chamber and the discharge chamber. Blaz '246 discloses such a feature (see fig. 7-8). This helps reduce non-emulsified oil which can be easily removed from water by a simple gravity separation step. Canzoneri '789 teaches the use of a discharge chamber skimmer (see fig. 1, skimmer 74). To add such a desirable feature to Cairo '457 would have been obvious to one of ordinary skill in the art.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Cairo '457 or Canzoneri '789 as applied to claim 9 above, and further in view of Brown 2766203. Brown '203 discloses a multiple chamber/cell flotation device for the purification of an oil contaminated water similar to applicant's invention and to that of Cairo '457

and Canzoneri '789. In Brown '203 the residence time is noted to be a function of many variables including the nature of the contaminants, the number of cells etc. The residence time is noted to be between 1 and 60 minutes is adequate to clarify the water. This range would encompass applicant's range of 2.0-2.5 minutes and as it is applicable to the primary references would direct one to operate in the range as recited in the claims.

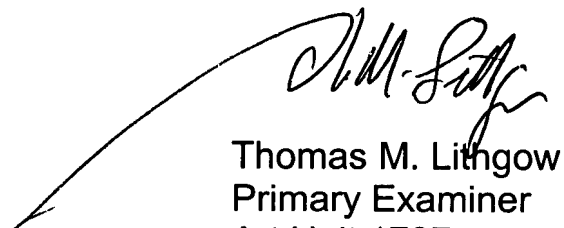
10. Claims 5, 8 and 15 are not rejected over the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 571-272-1162. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas M. Litgow  
Primary Examiner  
Art Unit 1797

TML